

REMARKS

Claim Rejections Under 35 USC § 102

Claims 1, 4 and 17 are rejected under 35 USC §102(e) as being anticipated by Beller et al, U.S. Patent No. 5,895,220.

Claim Rejections Under 35 USC § 103

Claim 16 is rejected under 35 USC §103(a) as being unpatentable over Beller in view of Merzenich et al.

In this Office action, the Office has specifically resorted to column 10 lines 63-67 of Beller et al. to assert that "the patient undergoes a mode known as "alternating". For a same natural base sound (segment of message), he hears alternatively, firstly the sound converted into parametric form (perhaps mixed to a variable degree with the natural sound), then the natural sound on its own."

Therefore, it is apparent that the Office is equating the parametric form of the prior art as the region attenuation processed sound of the present invention as recited in independent claim 1.

However, the Office fails to assert alternating silence and original sound.

Therefore, the claimed invention is neither anticipated by nor rendered obvious by the asserted prior art references. In the interest of advancing the prosecution of this application, the Office indicated allowable subject matter in claim 3 is incorporated into independent claim 1. By so amending, the claimed invention is even further patentably distinguished over the asserted prior art. Allowance of claim 1 and all claims dependent thereon is respectfully requested.

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Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The indication of allowable subject matter in claim 3 is noted with appreciation.

CONCLUSION

In view of the aforementioned amendments and accompanying remarks, all pending claims are believed to be in condition for allowance, which action, at an early date, is requested.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully Submitted,

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